



THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Appl. No. : 10/085,797
Applicant : Katsuhiro IWASAKI et al
Filed : February 28, 2002
For : METHOD FOR METAL SMELTING
Art Unit : 1742
Examiner: : Andrews
Docket No. : 02135C/HG
Customer No.: 01933
Confirm. No.: 1786

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DUE: AUGUST 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450
on the date noted below.

Attorney: Richard S. Barth

Dated: August 3, 2004

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

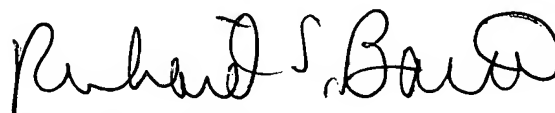
Sir:

This is in response to the NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121) which was attached to the COMMUNICATION dated July 29, 2004.

In telephone interviews with Supervisory Examiner King and Examiner Andrews on August 3, 2004, Examiners King and Andrews informed the undersigned that the AMENDMENT UNDER 37 CFR 1.116 filed March 31, 2004 was compliant with the USPTO Rules and that said NOTICE OF NON-COMPLIANT AMENDMENT was erroneous.

In view of the above, withdrawal of said NOTICE OF NON-COMPLIANT AMENDMENT and examination of the above-identified application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. Barth". The signature is fluid and cursive, with the first name "Richard" and last name "Barth" being clearly legible. It is positioned above a horizontal line.

RICHARD S. BARTH
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